

RECEIVED  
CENTRAL FAX CENTER

AUG 20 2008

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/735,307  
Applicant : Johnson  
Filed : December 12, 2003  
TC/AU : 3621  
Examiner : Negron  
Docket Number : 840468-605001  
Customer No. : 41498  
Re : Non-Intrusive Data Transmission Network for Use in an  
Enterprise Facility and Method for Implementing

## DECLARATION UNDER 37 CFR § 1.132

I, Samuel A Greco, declare and say:

That I am a citizen of the United States and reside at 4405 Dade Drive, Flower Mound 75028.

That I am currently employed by, CAREVIEW COMMUNICATIONS, INC. (Cadco Surveillance Networks, d/b/a CareView), having a principal address at 5000 Legacy Dr, #470, Plano, Texas. I have been Chief Executive Officer for ten (10) months with the primary responsibility for sales, marketing and forecasting for the CareView System. I was a hospital executive for over thirty years as a hospital Chief Financial Officer, Chief Operating Officer and Chief Executive Officer of small, medium and large hospital. I was the Sr. Vice President of Financial Operations for Columbia/HCA Healthcare Corporation, the largest owner/operator of hospitals in the nation. During my tenure, I developed the procurement group that would evaluate products such as the CareView System. I left the provider segment of healthcare because the CareView product is such a break-through product for the industry.

That I understand the CareView System is a patient monitoring network appliance for dedicated operation on a coaxial distribution network. The CareView System combines a video camera for capturing image frames of a specific area, a motion detector for detecting movement in the surveillance area, a local video memory for storing video image sequences based on receiving movement indications from the motion detector and other electronic components for receiving and transmitting information on the coaxial network at multiple carrier frequencies. The CareView System transmits surveillance video sequences over the coaxial distribution network on one carrier and receives other types of information off the coaxial distribution network on a different carrier. The CareView System allows facilities to use their existing coaxial distribution network for video surveillance, thereby freeing the bandwidth traffic on their twisted wire distribution networks for other types of traffic. The CareView System allows facilities to efficiently manage the traffic of its coaxial distribution network by storing surveillance video sequences to the local memory for an indeterminate time period. The CareView System allows facilities to create a permanent record of selected surveillance video events for subsequent access by the coaxial distribution network and without regard to the status of the coaxial network at the time proximate to the event.

That CareView projected realistic yearly sales goals and revenue goals for the years up to and including 2008. CareView received seed funding, investment capital and other startup funding based, at least partially on those projections. CareView

Declaration 37 CFR § 1.132

Attorney Docket No.: 840488-605001

negotiated supply and distribution contracts with manufacturers and others based, at least partially on those projections. CareView has engaged installers, technicians, operators and other skilled employees and independent contractors based, at least partially on those projections.

That, until December 2007, the CareView System was in ongoing research and product development. The CareView System was not offered for sale until January 2008. Neither I, nor any other employee of CareView, initiated or participated in any traditional marketing campaign or promotion designed to promote the CareView System. At no time did CareView advertise or promote the CareView System in any traditional advertising media. To the best of my knowledge, all sales of the CareView System were the result of word-of-mouth communications, visits to the CareView web site, and/or knowledge of the research and product development initiatives pursued by CareView. CareView has no ongoing relationship with its clients outside of selling, servicing and managing the CareView System. None of the sales of the CareView System have been a result of a lawsuit or threat of lawsuit.

That between January 2008 and March 2008, CareView began actively marketing The CareView System by contacting healthcare executives that I have a previous relationship with and began receiving appointments to explain the benefits of the CareView Systems. Our early reception included over 750 hospitals representing more than 150,000 beds. That surpassed our projected appointment target forecast for the entire year of 2008. Currently, CareView has received contracts and/or commitments for the CareView Systems totaling two thousand beds with another fifteen thousand beds within the contract review status by our customer's legal department.

That the CareView System currently enjoys an unrivaled competitive position in the market. I have no knowledge of any similar or competing device that operates on a coaxial network, and saves video sequences to a local memory based on motion being detected in the surveillance area, and which transmits video while receiving other types of information from the coaxial distribution network and places camera in every patient's room.

That I believe the overwhelming acceptance and success of the CareView System is directly attributable to the advantages of the device and no other factor.

That the undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 6/30/2008

Rudolph J. Buchel Jr.